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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

LAURIE L. HESS,
RESPONDENT.

PROPOSED ORDER
Case No. LS-9110221-NUR
(91 FDR 17)

PARTIES

The parties in this matter under sec. 227.44, Wis. Stats. and sec. RL 2.036, Wis. Admin. Code, and for purposes of review under sec. 227.53, Wis. Stats. are:

Laurie L. Hess
W250 N7289 Hillside Road
Sussex, WI 53089

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

POSTURE OF CASE

A. This case was initiated by the filing of a complaint with the Board of Nursing on October 22, 1991. A disciplinary proceeding ("hearing") was scheduled for December 10, 1991. Notice of Hearing was prepared by the Division of Enforcement of the Department of Regulation and Licensing and sent by certified mail to Laurie L. Hess, who received it on October 23, 1991. A copy was also sent to Ms. Hess's attorney, Daniel P. Fay, 131 East Wisconsin Ave., Suite 210, Pewaukee, WI 53072.

B. On November 1, Ms. Hess sent a request that she be allowed to participate in the Impaired Professionals Procedure, and on November 6, Attorney Fay requested a pretrial conference. On November 13, Attorney Steve Gloe for the Division of Enforcement responded to these requests, suggesting an adjournment of the hearing as well as a telephone conference.

C. A pretrial conference was conducted by telephone on November 19, 1991, during which an agreement was reached that the scheduled hearing would be cancelled and the parties given time to negotiate a settlement.

D. On March 2, 1992, Attorney Gloe filed a Motion to Dismiss based on Ms. Hess's entry into the Impaired Professionals Procedure.

ORDER

IT IS ORDERED that the motion to dismiss be granted, and the complaint in this matter be dismissed.

OPINION

The complaint in this matter alleges, in relevant part, that

...

3. On exact dates unknown, but beginning at least in October, 1987 and continuing on through October 25, 1988, Ms. Hess diverted controlled substances and other prescription drugs from her employer for her personal use. These substances included meperidine hydrochloride (Demerol) and nalbuphine hydrochloride (Nubain).

...

5. On exact dates unknown, but from approximately August 12, 1989 through August 19, 1989, Ms. Hess diverted at least 600 mg. of Demerol, a controlled substance, from her employer for her personal use.

...

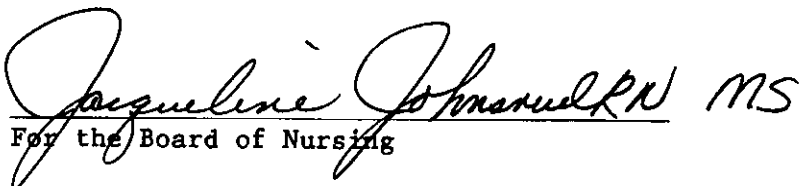
Participation in the I.P.P. can be an appropriate resolution of charges such as these, and the correspondence between the parties shows that Ms. Hess's entry into the I.P.P. was contemplated well before the issuance of the complaint. The correspondence also showed that she did not enter the program, although the reasons for that are not clear. Regardless, if the attorney for the Division of Enforcement is satisfied that having Ms. Hess in the I.P.P. sufficiently resolves this case, then dismissal is appropriate. It should be noted, however, that a dismissal of the charges at this stage is without prejudice to the state, so that they may be reinstated if appropriate, and especially if Ms. Hess fails to cooperate with the I.P.P.

Dated March 3 1992.


John N. Schweitzer
Administrative Law Judge

The Board of Nursing has reviewed this Proposed Order and approves it as a Final Order.

Dated May 1, 1992.


For the Board of Nursing